

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REVEREND ANTHONY MAJORS, et al., No. C 05-00061 CRB

Plaintiffs,

ORDER

v.

CITY OF OAKLAND, et al.,

Defendants.

By Order dated August 17, 2006, the Court adopted in its entirety the Report and Recommendation of Magistrate Judge Maria Elena James regarding the civil contempt of plaintiff Reverend Anthony Majors. Reverend Majors had not filed an opposition to the Report and Recommendation, and the Court concluded that the Magistrate Judge's findings establish that Reverend Majors intentionally violated the settlement agreement, lied under oath to the court, and willfully refused to comply with the court's order that he pay defendants approximately \$60,000.00 to compensate them for their damages incurred as a result of his violation of the settlement agreement. In accordance with the Report and Recommendation, the Court ordered Reverend Majors to pay defendants \$91,693.44 to compensate them for their damages incurred as a result of his civil contempt.

After the Court gave Reverend Majors several extensions to pay the monies owed, and under the threat of incarceration to coerce the payment of the monies owed, Reverend Majors

1 paid \$43,200.00. The Court has indicated that it will reduce the remaining amount--
2 \$48,493.44-- to a judgment in favor of defendants.

3 Now pending before the Court is defendants' request for additional attorneys' fees and
4 costs to be included in the amount of the civil contempt compensatory damages judgment.
5 The Court has reviewed the parties' submissions, and concludes that defendants are entitled
6 to an additional award of attorneys' fees in the amount of \$8,000.00. These amounts do not
7 include any fees for preparing the supplemental declarations ordered by the Court. Nor do
8 they include fees incurred before the proceedings before this judge commenced in August
9 2006. The Court also has not allowed fees for insurance matters, attorney time spent on
10 obtaining hearing transcripts, researching collection issues, or discovering the status of the
11 release of funds, as well as for time entries for telephone calls that do not specify what
12 matters were discussed. The Court has also reduced the amount awarded to eliminate
13 redundant effort; Knox Ricksen LLP and Valerian, Patterson & Stratman represent
14 defendants also represented by the Shapiro Buchman firm.

15 Finally, the Court acknowledges that in responding to the Court's orders that he pay
16 the amounts previously ordered, Reverend Majors disputed some of the Magistrate Judge's
17 findings as to the amounts owed. Reverend Majors' objections, however, were untimely; as
18 the Court noted in its Order adopting the Report and Recommendation of Magistrate Judge
19 James, Reverend Majors did not file any objection to the Report and Recommendation that
20 made those findings.

21 Accordingly, the Court will enter a judgment in favor of defendants Louatrice Dotson,
22 Richard Herbert, Simone Parker, Angie Green, C. Cedric Claiborne, Gloria Herbert, Mark
23 Allen, Al Austin, Ruth Barber, Steve Fountain, Katema Rainey-Jackson, and James Evans
24 and against Reverend Majors in the total amount of \$56,493.44. This amount consists of
25 \$48,493.44 still unpaid from the Court's August 17 order directing Reverend Majors to pay

26 //

27 //

28 //

1 defendants \$91,693.44 plus an additional \$8000.00 in attorneys' fees.

2 **IT IS SO ORDERED.**

3 Dated: March 21, 2007



4 CHARLES R. BREYER
5 UNITED STATES DISTRICT JUDGE
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28